

**Second Amended Report and Final Account of Administrator, Petition for
Distribution of Personal Property upon Waiver of Accounting: Allowance of Fees
for Attorney and Closing an Insolvent Estate**

DOD: 01/26/04		ANTONETTE FREGOSO , Administrator, is petitioner. Accounting is waived. I & A - \$264,250.00 POH - \$ 1,500.00 Administrator - waives Attorney - \$4,099.00 (less than statutory) Petitioner prays for an Order: 1. Approving, allowing and settling the 2 nd Amended Report and Final Distribution 2. Authorize Petitioner to pay her attorney \$4,099.00 for her statutory fees 3. Authorize Petitioner to pay former attorney Cynthia Arroyo the amount of \$1,164.00 in costs advanced.	NEEDS/PROBLEMS/COMMENTS: Continued from 6/4/14. Minute order states Counsel is still working with EDD regarding the figures. Counsel reports that the figures have changed multiple times and she just received some figures yesterday. There have been approximately 24 hearings to close this estate and as of 8/27/14 nothing additional has been filed addressing the issue raised below. 1. Petition states the decedent's 1997 Buick was distributed to Christina. Property of the estate cannot be distributed prior to creditor's being satisfied. 2. There is still an outstanding creditor's claim in the amount of \$444,816.51 filed by the Employment Development Department (EDD). The personal representative made distributions to herself and others without court authorization and without satisfying the creditor. The property distributed should be returned to the estate to satisfy the creditor.	
Cont. from 091013, 102413, 012214, 030514, 060414				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
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<input checked="" type="checkbox"/>	FTB Notice			
Reviewed by: KT				
Reviewed on: 8/27/14				
Updates:				
Recommendation:				
File 1 – Canales				

Petition states all other beneficiaries have filed waivers of accounting of administrator and acceptance of \$10,000 as their full beneficial interest in the estate on 6/6/11. Because of the EDD their beneficial interest could not be distributed from the estate. All the funds, except administration and attorney fees, had to be paid to the mortgage on the "J" Street property, or the EDD would not allow the partial release of the lien to allow the "J" Street property to be sold. Since there was no money remaining after the payment of title fees, costs , attorney fees and property taxes, the Personal Representative took \$20,000 from her own retirement funds and paid all other beneficiaries \$5,000.00 each. Kristina received the 1997 Buick Bonneville with the value of \$5,000.00. All beneficiaries have signed an assignment of their share of the "J" Street property to the petitioner. Petitioner has used this property as collateral to acquire enough money to pay off the "I" Street property's mortgage, back property taxes, and other debts of the decedent. Petitioner is still making payments on these loans.

(1) Report and Final Account of Administrator, Petition for Reimbursement to Administrator for Costs Advanced and (2) Attorneys Compensation and (3) for Final Distribution

		FELIPE LEAL , Administrator with Will Annexed, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The initial petition and the Petition for Final Distribution were both filed using a fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of any assts. Therefore filing fees totaling \$755.00 are now due (\$320.00 for the initial petition and \$435.00 for the Petition for Final Distribution). 2. Will devises the entire estate to decedent's son, Ruben Bernal. Ruben Bernal predeceased the Decedent. The Will does not state who would receive the property if Ruben predeceased the decedent therefore the estate passes through intestacy. The Petition states the decedent was survived by 4 children and the issue of a deceased child. However the petition does not list all of the children and the grandchild. Proposed distribution is only to the two children listed in the petition, Helen and Christina. Need amended petition that distributes the estate to <u>ALL</u> intestate heirs.
		Account period: 9/19/06 – 8/31/13	
Cont. from 110613, 010714, 020414, 060414		Accounting - \$145,000.00	
Aff.Sub.Wit.		Beginning POH- \$145,000.00	
✓	Verified	Ending POH - \$145,000.00	
✓	Inventory	Administrator - waives	
✓	PTC	Administrator Costs - \$11,730.38 (homeowners insurance, recorder, publication, probate referee, bills of the decedent.)	
✓	Not.Cred.	Attorney - waives	
✓	Notice of Hrg	Distribution, pursuant to intestate succession [sole heir to the will predeceased decedent without issue] is to:	
✓	Aff.Mail	W/	
Aff.Pub.		Helen Littlefield (daughter) - 50% interest in real property.	
✓	Sp.Ntc.	W/	
Pers.Serv.		Christina Avila (daughter) - 50% interest in real property.	
Conf. Screen			
✓	Letters	9/26/06	
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓	9202		
✓	Order		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓	FTB Notice		
Reviewed by: KT			
Reviewed on: 8/27/14			
Updates:			
Recommendation:			
File 3 – Cano			

Amended Petition for Final Distribution on Waiver of Accounting and for Waiver of Attorneys' Fees

DOD: 10-11-04		<p>MALKIA DILLARD, Administrator with Full IAEA without bond, is Petitioner. Petitioner states she is the sole heir and waives accounting.</p> <p>I&A: \$42,565.84 POH: \$0 – All assets were distributed directly to the Administrator outside of the estate.</p> <p>Administrator (Statutory): Waived Attorney (Statutory): Waived</p> <p>Petitioner states the creditor's claim in the amount of \$24.32 filed by the Revenue Reimbursement Division of the City of Fresno on 12-5-06 was paid.</p> <p>Petitioner states all of the assets of the decedent were under \$43,000.00. The assets consisted of bank accounts and an investment account which were transferred prior to the decedent's death to either joint tenancy or solely in the name of a local attorney. One of those assets involved the sale by the attorney of stock which resulted in IRS assessing more than \$25,000.00 in taxes. As a result the IRS levied against the bank accounts of the decedent in 2006 after his death. The Administrator filed a lawsuit against said attorney which resulted in settlement and payment of the assets directly to Petitioner as the decedent's daughter (contents of a safe deposit box) in addition to a \$3,000.00 settlement. Receipt filed 11-3-08.</p> <p>Petitioner states during administration, counsel for petition was also able to obtain a full refund from the IRS in the approximate amount of \$29,000.00 on a levy mentioned above. The refund was paid directly to Petitioner as the sole heir by the IRS.</p> <p>Petitioner states the entire value of assets listed on the I&A (\$42,565.84) was paid directly to Petitioner and an ex parte petition to terminate the probate was sought since no assets came into the estate, but it was denied.</p> <p>Petitioner requests that: 1) Administration be brought to a close without accounting; 2) All acts and proceedings of Petitioner as personal representative be confirmed and approved; 3) That the waiver of statutory attorney fees and commissions be approved; 4) That the waiver of statutory commission by the personal representative be approved; 4) That payment of the decedent's assets directly to Petitioner as a result of the lawsuit and IRS refund be approved; 5) That distribution of any other property not now known or discovered be made to DHS ion the amount of \$28,595.99, and thereafter to Petitioner as sole survivor; and 6) That any further orders be made as the Court considers proper.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See Page 2.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input type="checkbox"/>	CI Report			
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Reviewed by: skc

Reviewed on:
8-28-14

Updates:

Recommendation:

File 3A – Gainous

Page 2 - NEEDS/PROBLEMS/COMMENTS:

1. Petitioner requests the Court confirm and approve her acts as personal representative. However, as previously noted, Petitioner was not authorized to receive assets outside of probate or make distributions to herself, and Petitioner does not provide explanation as to why the estate was not closed timely, or status report filed with the Court, after opening the state in 2006.

Petitioner previously attempted to terminate proceedings and obtain Court approval of her acts as personal representative without notice to DHS pursuant to Probate Code §9202(a). Further, Petitioner requested that anything further be distributed to her as the sole heir.

However, the omission was noted by the Court and notice has now been provided, resulting in a Creditor's Claim of \$28,595.99. This second amended petition continues to request court approval of her acts as personal representative, but does state that the Department will have a lien against any later discovered assets, and has advised that it will seek payment from Petitioner. (DHS has received a copy of this petition pursuant to the Request for Special Notice filed with the claim.) The Court may require further clarification of the circumstances here with reference to Probate Code §9601 (breach of fiduciary duty).

The Court may strike any language approving the acts of the personal representative and her attorney.

DOD: 9/18/2007		LAURA DOZIER , surviving spouse/Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 2/4/2008 – 9/30/2013	1. \$17,480.00 of the \$17,505.95 of the disbursements are listed as payable to Laura Dozier for expense reimbursement. Probate Code §1062(b) requires the disbursements to include the nature and purpose of each disbursement. The disbursement schedule must list what Petitioner Laura Dozier is being reimbursed for.
Cont. from 121113, 020314, 022414, 032414, 042114, 051914, 063014		Accounting - \$650,755.95 Beginning POH - \$650,750.00 Ending POH - \$338,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Petitioner states certain assets that were decedent's separate property constitute exempt personal property eligible to be set aside to the surviving spouse pursuant to Probate Code §6510. Petitioner requests the court set aside the following personal property</p> <ul style="list-style-type: none"> • 2005 KTM Motorcycle <p>Petitioner alleges prior to his death, the decedent had given the motorcycle to Petitioner's son, Chris Johnson. Although the motorcycle had been given to Chris, title remained in the name of the decedent. Petitioner requests the court set aside the motorcycle to Petitioner (and Petitioner will confirm transfer to her son, Chris). In the alternative, Petitioner requests that the court confirm the gift of the motorcycle made prior to the decedent's death.</p> <p>Petitioner states the estate is not yet in a position to close. An action was filed on a rejected creditor's claim. The estate defaulted. The estate now is reviewing the situation to see whether it is possible to file a motion to set aside the default. Petitioner believes it will take an additional 4-6 months to close the estate.</p>	2. Petition states the real property on South Cornelia was a single family residence, having been acquired by the decedent prior to his marriage to petitioner (in April of 2006). Following the decedent's death, Petitioner continued to reside in the home with her sons, and over the next fifteen months paid the mortgage, taxes and insurance on the property. Petitioner was unable to continue to make the payments and as a result the home was foreclosed upon. Petitioner is requesting reimbursement of \$25,050.00 for paying the mortgage from her personal funds. The petitioner and her sons received a benefit from living in the estate property. It appears that the payments towards the mortgage should be considered rents for living in the estate's real property and therefore not reimbursed.
<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	Conf. Screen	<p>Please see additional page</p>	<p>Please see additional page</p>
<input checked="" type="checkbox"/>	Letters 2/4/08		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
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<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA	<p>Reviewed by: KT</p> <p>Reviewed on: 8/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Dozier</p>	
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Petitioner prays for an order:

1. That the First Amended First Account and Report of Petitioner be settled, allowed and approved as filed;
 2. That all actions of Petitioner as Administrator, as set forth in the petition, account and report be ratified, confirmed and approved;
 3. That the Court confirm reimbursement to petitioner of costs and expenses in the amount of \$17,480.00, and that petitioner is owed a balance of \$35,758.09;
 4. That the exempt personal property described in the petition be set aside to the surviving spouse or alternatively that the gift of the exempt property to Chris Johnson prior to the decedent's death be ratified, and confirmed;
 5. That the administration of the estate continue.
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NEEDS/PROBLEMS/COMMENTS (cont.):

3. Petition does not indicate whether or not the residence was marketed for sale during the 15 months Petitioner and her sons resided there after the decedent's death. Probate Code §9600 states the personal representative shall manage the estate to the extent that ordinary care and diligence require that the power be exercised. It appears that ordinary care would include marketing the property for sale rather than letting the property be foreclosed upon. Need more information regarding this property. Was there any attempt to sell the property?
4. Need order

Note: If the petition is granted the court will set a status hearing for the filing of the petition for final distribution on **Wednesday, January 14, 2015 at 9:00 a.m. in Dept. 303.**

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Petition for Transfer

		BRYAN JENSEN was appointed conservator on 4/1/2009.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from 072914		<p>Court Investigator JENNIFER DANIEL filed a Petition for Transfer on 6/25/14 requesting this proceeding be transferred to Los Angeles County because the conservatee has resided there since 11/12/2010, and it is presumed pursuant to Probate Code §2215 that transfer of the conservatorship case to the county of residence is in the best interests of the conservatee.</p> <p>Court Investigator further recommends that the fees and costs related to this transfer be waived.</p>	<p>Note: If the petition is granted a status hearing will be set on Wednesday, October 15, 2014 for the confirmation of receipt of transfer.</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 8/28/14	
			Updates:	
			Recommendation:	
			File 5 – Jensen	

Petition for Visitation

Age: 4		JON FARINO , maternal grandfather, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		DANYELL FARINO , maternal step-grandmother, and CAROLE JARVIS , maternal grandmother, were appointed as Co-Guardians on 03/19/13. – Both served by mail on 08/01/14	<u>CONTINUED TO 12/08/14</u> Per request of counsel
Cont. from			1. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing for: a. Alexandria Farino (mother) Note: Per 03/09/13 Minute Order, the mother is not to have any visitation with the child that is inconsistent with the restraining order.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Letters		
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<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Father: UNKNOWN court dispensed with notice unless and until his identity becomes known per minute order dated 01/03/2013.	
		Mother: ALEXANDRIA FARINO – Petitioner states that the mother's whereabouts are unknown	
		Paternal grandparents: UNKNOWN	
		Petitioner states that he and his mother, Jacob's maternal great-grandmother, have been involved in Jacob's life since birth. Recently, Petitioner became separated from guardian Danyell Farino and she has severely restricted his and his mother's visitation with Jacob. Petitioner further believes that the guardians are defaming him to Jacob. Petitioner believes that the lack of visits and the defaming statements made in front of Jacob are harmful to Jacob's well-being. Petitioner requests one (1) overnight visit with Jacob per week when Petitioner is not working and Jacob is not in school (the summer months, June, July & August (Petitioner is a teacher)), and alternating weekends commencing Friday at 5:00pm and ending Sunday at 5:00 pm during the remaining months.	
			Reviewed by: JF
			Reviewed on: 08/27/14
			Updates: 09/03/14
			Recommendation:
			File 6 – Farino

(1) Waiver of Accounting and Report of Administrator and Petition for Its Settlement; (2) Waiver of Administrator's Commissions; (3) for Allowance of Attorney's Fees for Ordinary Services, and (4) for Final Distribution [Prob. C. 10810, 10811, 10954 & 11640]

DOD: 11-14-12		BERNICE BALLESTEROZ , Spouse and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	<u>Continued from 9-3-13, 11-5-13, 3-5-14, 6-4-14</u>
Cont. from 090313, 110513, 030514, 060414		I&A: \$281,849.95 POH: \$287,451.44 (cash)	Note: IRS filed a Creditor's Claim for \$65,018.74 and a Request for Special Notice on 8-29-13. The Creditor's Claim indicates tax liens for the decedent for various amounts, plus interest, going back to 2001.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Administrator (Statutory): Waived	Note: Need revised order taking into account the preliminary distribution.
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Attorney (Statutory): \$8,749.00	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution pursuant to intestate succession and Assignment of Interest filed 3-13-13:	
<input checked="" type="checkbox"/>	Aff.Mail	Bernice Ballesteroz: \$278,702.44	
	Aff.Pub.		
	Sp.Ntc.	Status Report filed 11-1-13 by Attorney Bagdasarian requests continuance of 120 days due to the time anticipated for communications with the IRS and the upcoming holiday period.	
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	4-11-13	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202	Status Report filed 2-24-14 by Attorney Bagdasarian states the Administrator, through her CPA, filed with the IRS what she believes to be all the required prior income tax returns and paid the tax due in October 2013. There is a potential for the requirement of additional interest or penalties, however, there also requests for refunds for certain tax years. The CPA reports that after several requests of the IRS, she was notified on or about 1-22-14, some three months after mailing of the returns, that the return were just docketed. Consequently a continuance of three months is requested.	
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice	Status Report filed 6-2-14 states the IRS filed the above-referenced claim on 8-28-13. The CPA reports that all returns from 2001-2012 have been processed by the IRS except for 2006 and 2007. In order to allow time for processing those returns, a continuance of three (3) months is necessary.	
		Status Report filed 8-26-14 states returns for tax year 2006 are still outstanding. A continuance of 60 days is requested.	

DOD: 11-26-11		JOCELYN ALSDORF, Daughter, was appointed Administrator with Will Annexed and Letters issued on 5-1-13.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Petition filed 9-2-14 is set for hearing on 10-9-14.
Cont. from 080114		On 5-1-13, the Court set this status hearing for the filing of the petition for final distribution.	
	Aff.Sub.Wit.	Unverified status report filed 7-30-14 requests an additional 30 days.	
	Verified		
	Inventory		
	PTC		
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	Notice of Hrg		
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	Letters	5-1-13	
	Duties/Supp		
	Objections		
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	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8-27-14
			Updates: 9-2-14
			Recommendation:
			File 8 – Alsdorf

Atty Wishon, A. Emory (for Executor Diane Esparza)

(1) First and Final Account and Report of the Status of Administration and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorneys' Compensation and (3) Final Distribution

DOD: 3-2-13			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Amended petition filed 8-21-14 is set for hearing on 9-30-14.</p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	X	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
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			Reviewed by:
			Reviewed on:
			Updates:
			Recommendation:
			File 9 - Esparza

(1) Waiver of Accounting and Petition for Allowance of Statutory Fees to Administrator and Attorney for Administrator, and (2) Petition for Final Distribution

DOD: 10/24/13 Cont. from <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 15%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> <tr> <td>✓</td> <td>Inventory</td> <td></td> </tr> <tr> <td>✓</td> <td>PTC</td> <td></td> </tr> <tr> <td>✓</td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td>✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td>✓</td> <td>Aff.Mail</td> <td>w/</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td></td> <td>Letters</td> <td></td> </tr> <tr> <td></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td>✓</td> <td>9202</td> <td></td> </tr> <tr> <td>✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td>✓</td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.		✓	Verified		✓	Inventory		✓	PTC		✓	Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w/		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report		✓	9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation		✓	FTB Notice		<p>PATRICIA TYLER, Administrator, is Petitioner.</p> <p>Accounting is waived.</p> <table style="width: 100%;"> <tr> <td style="width: 30%;">I & A</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 60%;">\$206,200.00</td> </tr> <tr> <td>POH</td> <td style="text-align: center;">-</td> <td>\$188,937.39 (all cash)</td> </tr> </table> <p>Administrator - \$7,124.00 (statutory)</p> <p>Attorney - \$7,124.00 (statutory)</p> <p>Distribution, pursuant to intestate succession, is to:</p> <table style="width: 100%;"> <tr> <td style="width: 30%;">Patricia Tyler</td> <td style="width: 10%; text-align: center;">-</td> <td style="width: 60%;">\$58,229.00</td> </tr> <tr> <td>Anthony Benincosa</td> <td style="text-align: center;">-</td> <td>\$58,229.00</td> </tr> <tr> <td>Christopher Benincosa</td> <td style="text-align: center;">-</td> <td>\$58,229.00</td> </tr> </table>	I & A	-	\$206,200.00	POH	-	\$188,937.39 (all cash)	Patricia Tyler	-	\$58,229.00	Anthony Benincosa	-	\$58,229.00	Christopher Benincosa	-	\$58,229.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Petition does not specifically address the notice required to the Victim's Compensation Board and the Franchise Tax Board pursuant to Probate Code § 9202(b) & (c). Declaration of Robyn Esraelian filed 08/29/14 does address the notice to the Victim's compensation board and the FTB. For future reference, blanket statements stating that notice was provided under § 9202 is insufficient and each required notice should be addressed individually.</p> <p>1. The Order proposes to distribute \$58,229.00 to each beneficiary; however, Examiner calculates that the actual distribution should be \$58,229.79 to each beneficiary. The figures should be stated exactly and not rounded off. Examiner has interlineated the Order to reflect the actual amount to be distributed.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Reviewed by: JF</td> </tr> <tr> <td>Reviewed on: 08/28/14</td> </tr> <tr> <td>Updates: 09/03/14</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 10 - Benincosa</td> </tr> </table>	Reviewed by: JF	Reviewed on: 08/28/14	Updates: 09/03/14	Recommendation:	File 10 - Benincosa
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Page 2

NEEDS/PROBLEMS/COMMENTS:

If this petition goes forward, the following issues exist:

1. The father was served by mail; however, Probate Code §1511 requires personal service. The Court may require continuance for proper notice.
2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing or consent and waiver of notice or declaration of due diligence on:
 - Unknown Paternal Grandfather
 - Donna Dusan
(Paternal Grandmother)
 - Benjamin Mathis (Maternal Grandfather)

Atty Hogue, David M.; Karby, Michael G.; of H & K Inc. Attorneys at Law, Dinuba (for Petitioner Theda Preheim, Beneficiary)

Atty Gunner, Kevin D., Law Offices of Gunner & Haught (for Mary K. Johnson, Successor Trustee)

Atty Shahbazian, Steven L., sole practitioner (for Mary K. Johnson, Successor Trustee)

Petition for Instructions for Appraisal of Personal Property by Probate Referee or Personal Property Appraiser; to Determine Reasonableness of Trustee's Fees; to Determine Equitable Set-Offs; to Remove and Surcharge Trustee for Breach of Fiduciary Duty and for Failure to Treat Beneficiaries Impartially; and to Determine Entitlement

Virgil DOD: 10/29/2000			THEDA PREHEIM , daughter and Trust Beneficiary, is Petitioner. Petitioner states: <ul style="list-style-type: none"> MARY K. JOHNSON, daughter and Successor Trustee of the VIRGIL PREHEIM AND EMMA H. PREHEIM REVOCABLE LIVING TRUST AGREEMENT dated 10/22/1999 (copy of trust attached as Exhibit A), served her Second and Final Account and Report (account period 12/21/2013 through 4/23/2014) on 5/22/2014 (copy attached as Exhibit C); Successor Trustee claims a Trustee's fee of \$17,500.00 from the Trust Estate on Hand of \$293,516.90; Petitioner submits the \$17,500.00 is an excessive fee to impose upon the Trust estate and beneficiaries; this sum amounts to slightly less than 6% of the Trust estate (\$17,611.14); Petitioner submits that custom and practice supports a Trustee's fee between 2% of the Trust estate [amounting to \$5,870.32] and 3% [amounting to \$8,805.07] of the Trust estate; Petitioner submits that a Successor Trustee's Fee of slightly less than 6% is excessive and seeks an instruction from the Court that the Successor Trustee account for her activities and efforts that benefitted the Trust estate in such an abnormal and beneficial way to justify such an extraordinarily large Trustee's fee; and seeks instruction from the Court that the Successor Trustee produce her logs, diaries, timesheets, journal entries, mileage logs, and other writings and records that will substantiate the number of hours spent administering the Trust estate; Petitioner seeks instruction from the Court as to what is "reasonable compensation" for the Successor Trustee; Petitioner submits that the Successor Trustee's fee is skeptically random and subjective in amount, and questions whether the claimed fee was drawn arbitrarily out of the ether because of the animosity existing between the Trust beneficiaries; <p align="center">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS: 1. Need proposed order.
Emma DOD: 8/5/2012				
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	Order	X		
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	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LEG
Reviewed on: 8/28/14
Updates: 8/29/14
Recommendation:
File 12 - Preheim

Petitioner states, continued:

- **Petitioner seeks instruction from the Court** that the Successor Trustee account for assertion that any and all property listed on *Exhibit A* to the Second Account, "*Items removed from Trustor's Home by THEDA PREHEIM*" were the property of the Trust estate and that the inventoried items of personal property were removed by Petitioner;
- During the life of Trustor Emma Preheim, a fire occurred on the Trust estate real property in 1996 (now properly sold as part of the trust administration) and a goodly portion of the personal property inventoried, "valued" and surcharged against the Petitioner by the Successor Trustee was actually destroyed years before the death of the surviving Trustor; a storage shed, the "Garden House" and ½ of a workshop, the garage and the barn;
- Successor Trustee did not visit the Trust estate real property between the death of Virgil Preheim in 2000 until 2012, when Emma Preheim died, creating a very strong inference that the Successor Trustee had little or no knowledge of the personal property constituting the Trust estate personal property assets; Successor Trustee made no allowance for the fact that Emma gifted away personal property items during her life, and for the fact that some of the personal property items taken by Petitioner when she moved from the property were her separate property, either gifted by Emma or earned and purchases as a result of her own effort, skill and industry;
- **Petitioner seeks instruction from the Court** that the Successor Trustee establish the basis for her belief that the property inventoried on *Exhibit A* was even taken by Petitioner; and **instruction from the Court** that the Successor Trustee establish the basis for her valuation of the personal property listed on *Exhibit A* and surcharged against the Petitioner's distributive share of the Trust estate in the amount of **\$50,953.05**;
- **Petitioner seeks instruction from the Court** that the Successor Trustee establish the basis for her surcharge of the distributive share of **AMBER PREHEIM** in the amount of **\$2,285.00**;
- Successor Trustee's valuation of personal property items appears arbitrary and capricious, constituting a breach of trust and of fiduciary duty on the part of the Successor Trustee; *[examples provided of valuations obtained from E-bay of books, which Petitioner has no knowledge existed in the possession of Emma/Trustor]*;
- Successor Trustee's conduct constitutes a breach of trust and fiduciary duty, and an open blatant act of discriminating among beneficiaries and preferring one beneficiary over another;
- Successor Trustee's actions are grounds for removal or surcharging of the Successor Trustee's distributive share of the Trust estate in an equitable amount to be determined by the Court;
- To the extent that Successor Trustee makes a showing by admissible evidence that any particular articles of personal property belonged to the Trust estate and were taken by Petitioner, the **Petitioner seeks an instruction from the Court** that those articles be appraised by a California Probate Referee to establish some sort of credible value for the particular article in question;
- To the extent that the Successor Trustee cannot show by utilizing admissible evidence that any particular articles of personal property belonged to the Trust estate were actually taken by Petitioner, the **Petitioner seeks an instruction from the Court** that those articles be deemed lost or non-existent, or destroyed in the fire of 1996, **but certainly not** *[emphasis in original]* surcharged against Petitioner's distributive shares of the Trust estate simply because the Successor Trustee possesses the caprice to do so;
- *[Paragraph 22, Pages 8 to 17, itemizes the personal property and valuations listed on Exhibit A to the Successor Trustee's Account, with Petitioner's allegations as to the existence or non-existence of each item and Petitioner's knowledge or non-knowledge of their dispositions to assist the Court in fact-finding for resolution of dispute];*
- Petitioner states the total surcharge against Petitioner [by Successor Trustee] for mostly imaginary property is **\$35,306.00**.

~Please see additional page~

Petitioner prays for an order from the Court:

1. Adjudicating, finding and instructing that all personal property of the Trust estate be appraised by the Successor Trustee by employing the property appraisal services of a California Probate Referee, or in the alternative, by employing a personal property appraiser chosen by the Court from the private section, like **LALLY & ASSOCIATES**, for example;
2. Adjudicating, finding and instructing to address the reasonableness of the Trustees Fee of **\$17,500.00**, including any instructions the Court might deem appropriate that the Successor Trustee produce file diaries, log books, receipts and any other writings showing her activities benefitted the Trust estate, and an instruction setting the Trustee's Fee at a level of "reasonable compensation" as mandated by the terms of the Trust;
3. Adjudicating, finding and instructing that the Petitioner be afforded and allowed all equitable Set-Offs that might be due and owing to her, as fairness and equity might demand, and that all gifts made by the Trustor/**EMMA H. PREHEIM** during the Trustor's life to the Petitioner, or any other beneficiaries, be excluded from the Trust estate inventory, and not surcharged against any beneficiary's distributive share of the Trust estate, and/or any other appropriate relief as the Court might deem proper and necessary;
4. Adjudicating, finding and instructing that the Court removes the Successor Trustee, **MARY K. JOHNSON**, for breach of trust and breach of fiduciary duty in her actions and conduct for preparing an accounting that seeks to surcharge Petitioner in an amount over **\$50,000.00** by appraising property Petitioner doesn't even possess at ridiculously high values;
5. Adjudicating, finding and instructing the removal of the Successor Trustee, **MARY K. JOHNSON**, for her failure to treat all beneficiaries of this Trust equally as mandated by the Code;
6. Adjudicating, finding and instructing that the Successor Trustee, **MARY K. JOHNSON**, prepare an Amended Account and Report based upon actual appraisals of personal property, wherever that property might be located;
7. Adjudicating, finding and instructing that if the Successor Trustee, **MARY K. JOHNSON**, cannot locate and appraise items of personal property, those items of personal property cannot be inventoried as part of the Trust estate nor surcharged against any beneficiary's distributive share of the Trust corpus at the time of final distribution; and
8. Adjudicating, finding and instructing that the Successor Trustee, **MARY K. JOHNSON**, reimburse the Trust estate for the costs of bringing this Petition for Instructions, and/or that her Trustee's Fees be surcharged, or that her distributive share as a beneficiary be surcharged in an amount to be determined by the Court for her multiple breaches of trust, her multiple breaches of fiduciary duty, and her multiple acts of malfeasance, in an amount to be determined by the Court.

~Please see additional page~

Declaration of Mary K. Johnson filed 8/28/2014 states:

- She has performed services in her capacity as Trustee as summarized on *Exhibit A* to her Declaration, and believes them to be fair and reasonable under the circumstances and conditions of this estate, since shortly after the time of the death of the Decedent, **EMMA H. PREHEIM**, on 8/5/2012, until the present time;
- Among other duties, she expended a substantial amount of time in evicting THEDA PREHEIM from the residential property belonging to the estate, along with the extensive clean-up of the property caused by Theda and her family members also residing in the property, in order that it could be listed for sale and ultimately sold;
- She also expended substantial time in preparing for sale and selling the Trust property located out of state (*summary of activities and approximate time expended attached as Exhibit A*);
- [Note: Exhibit A itemizes a total of **696.6** hours for activities which includes such things as funeral arrangements (7.0 hours), attorney consultations with Attorney Gunner (30.0 hours), eviction process with Attorney Dan Rowley (9.0 hours), sale of Kansas property (38.0 hours excluding travel and lodging) an estimated hourly rate based upon **\$17,500.00** fee is **~\$25.12** per hour;]
- Page 2 of Exhibit A explains that she has missed numerous days off of work, and it is estimated that over the course of 2 years since Decedent died she has missed ~21 days of work in order to perform services, mostly in the clean-up and restoration of extremely trashed Reedley residential real property to put it in condition that would make it available for sale and pass inspection;
- With regard to items of personal property relating to the estate, attached as *Exhibit B* is a summary explanation regarding her personal knowledge as to the identity and existence of the various items of personal property, along with an explanation of the methods she employed in arriving at valuations for such items;
- [Note: Exhibit B contains narrative describing personal property history and valuation methods used including online reviews of similar or identical items, Blue Book pricing, using lowest valuations from online research; lists items in possession of Decedent that were removed, sold, lost or hidden by Petitioner and for which Petitioner was surcharged];
- A great many items of the Decedent were in the possession of Decedent at the time of her death, or shortly before, and it is my informed belief that they were either removed, sold, lost or hidden by Theda or persons under her control as described more fully in the attached exhibits.

Declaration of LYLE PREHEIM filed 8/29/2014 states:

- It is his estimation that he spent between 200 and 300 man hours of time assisting his sister, Mary K. Johnson, in cleaning up the Reedley property, making repairs, throwing out 13 dumpsters full of junk and waste over the course of a period of time his sister, Theda Preheim, and her family had been evicted from the property; the property was a total mess and disastrous to clean up;
- He also knows from personal knowledge that many of the items of personal property belonging to his mother and father that were previously on the property were nowhere to be found, and it is his belief that his sister Theda and her family removed many of those items from the property; many items were in possession of his mother at the time of her death and he believes they were either removed, sold, lost or hidden by Theda or persons under her control;
- Trustee Mary Johnson has performed extensive services in her capacity as Trustee, and he believes them to be fair and reasonable under the circumstances and conditions of this estate, since shortly after the time of the death of the Decedent on 8/5/2012 until the present time;
- Among other duties, she expended a substantial amount of time in evicting Theda from the residential property belonging to the estate, along with extensive clean-up of the property caused by Theda and her family members also residing in the property, in order that it could be listed for sale and ultimately sold;
- She also expended substantial time in preparing for sale and selling out-of-state Trust property.

Response of Trustee Mary K. Johnson to Petition for Instructions for Appraisal of Personal Property by Probate Referee or Personal Property Appraiser; to Determine Reasonableness of Trustee's Fees; to Determine Equitable Set-Offs; to Remove and Surcharge Trustee for Breach of Fiduciary Duty and for Failure to Treat Beneficiaries Impartially; and to Determine Entitlement filed on 8/28/2014 states:

- This action involves the administration and interpretation of the Trust executed by **VIRGIL PREHEIM** and **EMMA H. PREHEIM**, which as is common in husband and wife revocable trusts, provided for lifetime income to both Trustors, and at the death of the survivor (in this case, Emma) the entire trust estate was distributed to certain family members;
- In this trust, there was a provision that each "living grandchild and great grandchild" of the Trustors would receive **1%** of the Trust estate;
- Upon the death of Emma, **19** persons qualified for this distribution, resulting in **19%** of the residual estate being payable to grandchildren and great grandchildren;
- After such distributions, the remaining residual estate was to be divided in equal shares to the 3 children of the Trustors, being **THEDA PREHEIM, MARY K. JOHNSON**, and their brother, **LYLE DEAN PREHEIM**;
- The Trustors recognized that there were (potential) loans to their children and provided that those loans would reduce his/her final distribution of the residual estate to the beneficiary;
- The Successor Trustee after the death of the initial Trustee is Mary, and the alternate if Mary could not serve, is not [emphasis in original] either of the children of the Trustors, but **SUZANNE RICHARDSON**, who is the daughter of [Trustors' son] Lyle Preheim;
- The Trustee prepared and served upon all interested parties two accounts, the First Account (8/5/2012 – 12/21/2013) and the Second Account (12/21/2013 – 4/23/2014);
- Among the schedules that the Trustee has included in the Second Account, and which has created the most detailed argument in the Petition, is the "Explanation of Charge Backs," which are primarily against Petitioner and total **\$50,953.05**;
- Petitioner does not [emphasis in original] attack all of the charge backs except those related to the "personal property charge backs" totaling **\$35,306.00**; therefore, the remaining "charge backs" totaling **\$15,637.05** are not [emphasis in original] "disputed" which provides further instruction and evidence to the Court of the propriety of the accounting, the allocations, and the fees of the Trustee;
- Petitioner and her family members, for many years prior to and after the death of the Decedent, resided upon the Trustor's property (asset of the Trust) in Reedley; while this activity could have been tolerated while the Decedent was alive, and served as Trustee, such circumstance was not a reasonable use or allocation of trust resources after [emphasis in original];
- Based upon the declarations filed of Mary and Lyle, and any testimony which would be adduced at any contested hearing, there ensued a protracted battle between the Trustee and the Petitioner to remove the Petitioner and family members from the Trust property, to then repair and clean it, and to attempt to retrieve some value from the Trustor's personal property which had been on the premises;
- In this difficult process, the Trustee incurred substantial time, the Trust incurred substantial attorney's fees and costs, and the Trust estate was substantially diminished by the value of the personal property that had been "lost," taken or damaged by the Petitioner and her family members, all to the detriment of the Trust estate;
- As a result, the distributive share of the Petitioner as offending beneficiary was charged with the direct [emphasis in original] costs, expenses and losses incurred by the Trust as a result of her misconduct;

~Please see additional page~

Argument Re Powers of Trustee: *[brief sum]* There is an unsubstantiated argument in the Petition that the actions by the Trustee, as part of her administrative duties, and the "charge backs" against the Petitioner for the personal property values are improper, and that the Trustee should be "surcharged" against her fees and/or distributive share of the Trust estate for "multiple acts of malfeasance..."

There is no specific allegation as to what these "acts of malfeasance" are, other than generally charging the Petitioner for her own "wrongful conduct" during the Trustee's administration; the Petitioner's conduct was a primary cause of the actions that the Trustee was required to undertake for the orderly administration of the Trust and to comply with the distributive provisions of the Trust instrument that requires the division of the residual trust estate into equal shares to the 3 residual beneficiaries; Petitioner has made no comment nor specific objection to the entries in the Second Account under "Explanation of Charge Backs" of the item noted as "Eviction Costs" comprising attorney's fees to Daniel Rowley of **\$3,985.00**, which were incurred to evict the Petitioner and her family members from the Trust's real property in Reedley, and the Fair Rental Value of the property charged for Petitioner's occupancy after Decedent's death until she left of **\$7,699.24**;

Argument Re Trustee's Fees: *[brief sum]* The Trustees fees are not merely for the Second Account, but cover both the First and Second account periods, and represent the total fees from commencement of the Trustee's services to final distribution; Petitioner objects to the Trustees fees of **\$17,500.00**, with the claim that such fees are presumptively not reasonable compensation as stated in the Trust Agreement; the Petitioner has computed a sum between **2% and 3%** of trust estate as the "custom and practice in this jurisdiction;" there is no specific "formula" to determine what are reasonable fees [citation to California Rules of Court 7.776]; under the difficult circumstances in which the Trustee found herself, the sum of **\$17,500.00** for her duties in the administration of the Trust is more than reasonable and is quite modest; the request by the Petitioner to "remove" the Trustee is superfluous; the Trustee has rendered a final account and report, and subject to the claims of the Petitioner, will conclude the administration of the Trust upon the final distribution of its assets; the preference of the Trustors for the Trustee is to be shown great weight and is not to be disturbed without compelling cause.

Respondent prays for an Order that:

1. The Petition of Theda Preheim be denied, in full;
2. The Actions and activities of Mary K. Johnson, as Trustee of the Trust, be confirmed and approved pursuant to Probate Code § 17200(a)(5);
3. The Trustee's fees of **\$17,500.00** be found to be reasonable pursuant to Probate Code § 17200(b); and
4. The Petitioner's objections to the Trustee's Second Account be determined to be without reasonable cause and in bad faith and that there be an award of attorney's fees and costs in favor of the Trustee against the Petitioner under probate Code § 17211(a).

Proof of Service by Mail attached to the Response filed 8/28/2014 shows the response was served to Attorneys David Hogue and Michael Karby on 8/28/2014.

DOD: 4-24-14 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 40%;">Aff.Sub.Wit.</td> <td style="width: 50%;">S/P</td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Aff.Mail</td> <td style="text-align: center;">w</td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Letters</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.	S/P	✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w	✓	Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen		✓	Letters		✓	Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		SPECIAL ADMINISTRATION EXPIRES 9-3-14 CAROLINA P. SMITH , Daughter and named Co-Executor without bond, is Petitioner. (Named Co-Executor Florina Pompa Dominguez and all other heirs consent to Petitioner's appointment as sole executor and waive bond.) Full IAEA – ok Will dated 2-24-11 Residence: Fresno Publication: Business Journal Estimated value of estate: Personal property: \$2,613.06 Real property: \$41,000.00 (\$106,000.00, encumbered for \$65,000.00) <u>Note:</u> This estate was previously the subject of an Order Determining Succession in Case No. 14CEPR00532. However, that order was vacated on 8-6-14, and Special Administration was granted 8-8-14 for the purpose of completing the sale of the real property. Funds have been placed into a blocked account. Receipt filed 8-25-14. Petitioner requests that the I&A attached to the Petition to Determine Succession filed 6-18-14 in 14CEPR00532 be accepted as the I&A for this probate estate. Copy provided. I&A indicates \$613.06 cash plus real property valued at \$108,000.00. Receipt for blocked account indicates that proceeds of \$26,835.85 were deposited with California Bank & Trust on 8-20-14. Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: Note: If granted, the Court will set a status hearing as follows: <ul style="list-style-type: none"> Wednesday 2-3-16 for filing the first account or petition for final distribution. If the proper items are on file pursuant to local rule, the status hearings may come off calendar.
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File 13 - Hernandez																																																																							

Atty Fanucchi, Edward L. (for Petitioner Andrew Quercia)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 6-22-14		ANDREW QUERCIA , Son and Named Executor without bond, is Petitioner. Full IAEA – ok Will dated 2-20-10 Residence: Fresno Publication: Fresno Business Journal Estimated value of estate: Personal property: \$ 58,000.00 Real property: \$170,000.00 Total: \$228,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> The Court will set status hearings as follows: <ul style="list-style-type: none"> Wednesday 2-4-15 for filing the Inventory and Appraisal Wednesday 2-3-16 for filing the first account or petition for final distribution. If the proper items are on file pursuant to local rule, the status hearings may come off calendar.	
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input checked="" type="checkbox"/>	Duties/Supp			
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<input type="checkbox"/>	Video Receipt			
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<input type="checkbox"/>	Citation			
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Reviewed by: skc Reviewed on: 8-27-14 Updates: Recommendation: SUBMITTED File 14 - Quercia				

DOD:7-24-14			CONNIE REYNA , Sister, is Petitioner and requests appointment as Administrator with Will Annexed without bond. Both the Named Executor and the Named Alternate Executor are deceased. All heirs waive bond. Full IAEA – ok Will dated 6-11-85 Residence: Selma Publication: Selma Enterprise Estimated value of estate: Personal property: \$435,000.00 Annual income: \$ 17,000.00 Total: \$452,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> The Court will set status hearings as follows: • Wednesday 2-4-15 for filing the Inventory and Appraisal • Wednesday 2-3-16 for filing the first account or petition for final distribution. If the proper items are on file pursuant to local rule, the status hearings may come off calendar.	
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**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for
Failure to File a First Account or Petition for Final Distribution**

DOD: 9/18/2004	<p>RENEE MASON, mother, was appointed as Administrator with full IAEA authority and without bond on 7/26/2005.</p> <p>Letters issued 7/26/2005.</p> <p>Inventory and appraisal was due December 2005.</p> <p>First account or petition for final distribution was due August 2006.</p> <p>Creditor's Claim in the amount of \$799.97 filed on 3/26/2005 by Bank of America.</p> <p>Notice of Status Hearing was mailed to attorney Kenneth Brock and Administrator Renee Mason on 11/21/14.</p> <p>Minute order dated 2/14/14 indicates Administrator Renee Mason was present in court and was provided a copy of the examiner notes.</p> <p>Minute Order dated 5/30/14 states Attorney Douglas Hurt will be representing Ms. Mason.</p> <p>Minute Order dated 8/4/14 states Attorney Browlsky is appearing by Court Call.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need inventory and appraisal, and first account or petition for final distribution, or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. Need substitution of attorney.
Cont. from 021414, 053014, 080414		
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Inventory		
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Citation		
FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 8/27/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Swarm</p>		

			<p>TASHA NOEL MARTINEZ, Maternal Aunt, is Petitioner.</p> <p>VALARE LEE MARTINEZ, Maternal Grandmother, was appointed as guardian on 1-10-13. The current guardian consents and waives notice.</p> <p>Father: GEORGE HERNANDEZ Mother: ANGELA MARTINEZ</p> <p>Paternal Grandfather: George Hernandez Paternal Grandmother: Maria Montez Maternal Grandfather: Daniel Martinez</p> <p>Petitioner states the mother abandoned the minor at a friend's house on 9-25-12. Petitioner and the maternal grandmother picked up the minor on 9-29-12 and immediately took her to the doctor, as she had a fever and was not well. However, the doctor would not allow the minor to receive care without the mother's consent. After failed attempts to locate the mother, Petitioner took the child to Children's Hospital on 9-30-12 for emergency care. The minor has been with Petitioner and the maternal grandmother since then. The mother is unsuitable and has been battling a methamphetamine addiction since 2004. In October 2012, Petitioner spoke with the mother about obtaining guardianship and she verbally consented.</p> <p>Court Investigator Charlotte Bien filed a report on 8-21-14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Notice of Hearing.</p> <p>2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - George Hernandez (Father) - Angela Martinez (Mother)</p> <p>(Note: Petitioner states the father is incarcerated; however, service can be achieved by contacting the facility to coordinate.)</p> <p>3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - George Hernandez (Paternal Grandfather) - Maria Montez (Paternal Grandmother) - Daniel Martinez (Maternal Grandfather)</p>
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail	X		
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	Pers.Serv.	X		
✓	Conf. Screen			
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	Objections			
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	Citation			
	FTB Notice			

Reviewed by: skc
Reviewed on: 8-27-14
Updates:
Recommendation:
File 17 - Hernandez

Petition for Appointment of Temporary Guardian of the Person

	GENERAL HEARING 10-27-14	NEEDS/PROBLEMS/COMMENTS:
	LUELLA DOUGLAS , Cousin, is Petitioner and requests appointment as guardian of minor Vashti only.	Note: This petition pertains to the minor Vashti Winchester only.
	CLOTILDE BROWN , Maternal Grandmother, was appointed guardian of both Vashti and Trenton on 9-25-13.	1. Need Notice of Hearing.
<input type="checkbox"/> Aff.Sub.Wit.	Father: UNKNOWN Mother: NOVELL BROWN	2. Need proof of personal service of Notice of Hearing with a copy of this temp petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Novell Brown (Mother) - Unknown father
<input checked="" type="checkbox"/> Verified	Paternal Grandfather: Unknown Paternal Grandfather: James Brown (Deceased)	3. UCCJEA is blank. Need completed UCCJEA (GC-120).
<input type="checkbox"/> Inventory	Siblings: Quentessah Equarte, Kashayra Williams, Westley Williams, Sahanna Williams	4. The Court may require updated information with regard to the minor Trenton Adams. Please note that although the guardian Clotilde Brown has passed away, the guardianship itself is still in place and has not terminated. Where is Trenton currently? Does Petitioner or another relative expect to be filing a petition for guardianship of Trenton?
<input type="checkbox"/> PTC	Petitioner states the guardian recently died. Petitioner is asking to take guardianship of Vashti so that she can provide her with what she needs and take care of her.	Note: The Court may refer the minor Trenton to DSS if nobody is planning to file for appointment as successor guardian of Trenton.
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: skc
<input type="checkbox"/> Status Rpt		Reviewed on: 8-27-14
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 18 – Winchester & Adams

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 5		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		VICTORIA SAMANO , paternal grandmother, is Petitioner.		1. Need Notice of Hearing. 2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Moises Sandoval (paternal grandfather) b. Maternal grandfather c. Francisca Torres (maternal grandmother) d. Any siblings 12 and over	
		Father: EDUARDO SANDOVAL – Resides in Mexico; Consent & Waiver of Notice filed 07/17/14			
Cont. from		Mother: MELISSA TORRES – Consent & Waiver of Notice filed 07/17/14			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	x	Paternal grandfather: MOISES SANDOVAL		
	Aff.Mail	x	Maternal grandfather: UNKNOWN		
	Aff.Pub.		Maternal grandmother: FRANCISCA TORRES		
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen		Petitioner alleges neither parent is fit to care for the minor. The mother is using drugs and moves around a lot and the father was deported to Mexico.		
✓	Letters				
✓	Duties/Supp				
	Objections		Court Investigator Julie Negrete filed a report on 08/26/14.		
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 08/28/14	
				Updates:	
				Recommendation:	
				File 19 - Sandoval	

**20 Savannah Quintero, Daniel Quintero, Jr.,
Abel Quintero, and Cherish Quintero (GUARD/P)**

Case No. 14CEPR00572

Atty Castillo, Maria (Pro Per – Maternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Savannah, 11		<p align="center"><u>TEMPORARY EXPIRES 09/03/14</u></p> <p>MARIA CASTILLO, Maternal Grandmother, is Petitioner.</p> <p>Father: DANIEL PRADO QUINTERO</p> <p>Mother: CAROLINE OROSCO – Consent & Waiver of Notice filed 07/10/14</p> <p>Paternal Grandfather: UNKNOWN – Declaration of Due Diligence filed 07/15/14</p> <p>Paternal Grandmother: GUILLERMINA CHAVEZ</p> <p>Maternal Grandfather: JESSE OROSCO</p> <p>Petitioner alleges that neither parent is able to care for the children. The father is currently in prison and the mother is homeless and abusing drugs.</p> <p>Court Investigator Jennifer Young filed a report on 08/26/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Daniel Prado Quintero (father) – personal service required b. Paternal grandfather – service by mail sufficient, unless diligence is found c. Guillermina Chavez (maternal grandmother) – service by mail is sufficient d. Jesse Orozco (maternal grandfather) – service by mail sufficient 	
Daniel, 10				
Abel, 9				
Cherish, 5				
Cont. from				
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<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 08/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20 - Quintero</p>				

	GENERAL HEARING 10-27-14	NEEDS/PROBLEMS/COMMENTS:
	PHILLIPIA KELLEY , Maternal Grandmother, is Petitioner.	1. Petitioner states the mother's and father's whereabouts are unknown, but does not indicate any effort to locate them for notice of these proceedings. The Court may require notice pursuant to Probate Code §2250(e) or declaration of due diligence.
	Father: ANTHONY MENDEZ Mother: RAENA SEMORE	
	Paternal Grandfather: Unknown Paternal Grandmother: Unknown	
	Maternal Grandfather: Thomas Semore	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
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<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail		
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<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
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<input type="checkbox"/> CI Report		
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<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc Reviewed on: 8-28-14 Updates: Recommendation: File 21 - Mendez

			GENERAL HEARING 10-7-14	NEEDS/PROBLEMS/COMMENTS:
			VIRGINIA ALVARADO , Aunt, is Petitioner.	1. Need clarification: Where does the minor currently reside? On the temp petition, Petitioner gives a different address than her own for the minor; however, on the UCCJEA, Petitioner indicates that the minor has lived with her since April 2013.
			Father: CRUZ SUBIA Mother: ELEANOR SUBIA	
<input type="checkbox"/>	Aff.Sub.Wit.		Paternal and Maternal Grandparents are not listed.	2. Petitioner requests the Court excuse notice to the parents. A declaration of due diligence was filed with the petition regarding the mother; however, nothing was filed re the father.
<input checked="" type="checkbox"/>	Verified		Siblings: Corina Medrano, Nicole Medrano, Isaac Subia	
<input type="checkbox"/>	Inventory		Petitioner states the mother gets angry with her daughter and will kick her out of the house and call Petitioner to come get her. This happens every two to three months. Petitioner feels the mother just takes her back for the welfare money. The child doesn't need to be physically as well as mentally/verbally abused by her parents. They don't care for her education.	If notice is not excused, need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) or consent and waiver of notice or further diligence on: - Cruz Subia (Father) - Eleanor Subia (Mother)
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	X		
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	X		
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			Reviewed by: skc Reviewed on: 8-28-14 Updates: Recommendation: File 22 - Subia
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 6		<u>GENERAL HEARING: 08/20/14</u>		NEEDS/PROBLEMS/COMMENTS:	
		MICHELLE ANGUAMEA , maternal aunt, is Petitioner.		1. Need <i>Notice of Hearing</i> . 2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Manuel Sainz (father) b. Tiffany Perez (mother)	
		Father: MANUEL SAINZ			
		Mother: TIFFANY PEREZ			
		Paternal grandfather: EDDIE SAINZ, JR. Paternal grandmother: TERESA RODRIGUEZ			
		Maternal grandfather: JIMMY PEREZ Maternal grandmother: CARLOTTA MARQUEZ			
		Siblings: JEANAY PEREZ, MATEO LAMB, JEMMA LAMB, JEAN PEREZ			
		Petitioner alleges that the mother is addicted to drugs and has neglected Adrian to the point that he has an eating disorder, attachment disorder and a few other problems. He is being evaluated by CVRC and the Heritage Building. Adrian is scared to death to go back to his mother and acts out whenever they drive by places he used to live with his mother. He requires a lot of assurance and attention. His mother never enrolled him in school and he was not up to date on his shots.			
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	x			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 08/28/14	
				Updates:	
				Recommendation:	
				File 23 – Sainz - Perez	